

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

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:  
Index No.: 21-cv-12 (RLY) (MJD)  
BOGARD, MCGRATH, JANE DOE, :  
and BECCA SCHMILL :  
FOUNDATION, :  
Individually and on behalf of all :  
others similarly situated :  
*Plaintiff,* :  
:  
-v.- :  
:  
TIKTOK INC., BYTEDANCE INC, :  
ALPHABET INC., :  
XXVI HOLDINGS INC., :  
GOOGLE LLC, YOUTUBE, LLC :  
:  
:  
*Defendant(s).* :  
:  
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**DECLARATION OF JOANN BOGARD:**

1. I am Joann Bogard, a plaintiff in this action.
2. I am fully familiar with the facts and circumstances of the instant action by way of personal knowledge.
2. This affidavit is submitted in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss.
3. Consistent with the Complaint, after my son passed away from attempting the choking challenge in 2019, I began finding and reporting choking challenge videos to Youtube and TikTok relying on their user reporting system.

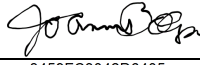
4. Due to Youtube and TikTok's defective reporting tools which yielded dismissive and nonsensical responses to my reports, I suffered emotional distress in the form of anxiety, helplessness, invalidation, grief, re-traumatization, and frustration. *See* Compl. ¶¶ 57-76.

5. In addition to the emotional distress, I experienced physical harm. I had to exert strenuous effort to watch the videos that made me remember the death of my son, and I repeatedly reported those to Defendants' platforms relying on their statements that they would review my report. My repeated efforts were rendered futile because of Defendants' faulty reporting tools. At this point I felt physically exhausted, suffered frequent headaches, had trouble sleeping due to the fact that my reports were not being reviewed, and frequently had an upset stomach due to the stress.

6. I also suffered monetary loss. I spent my own time making reports to the Defendants' platforms. And when these diligent efforts were disregarded, I felt physically and emotionally drained. As a result of my deteriorating physical and emotional conditions, I was unable to carry on my daily activities resulting in taking leave from work. The days that I was absent from work, I was not compensated which caused monetary loss.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 26, 2023

DocuSigned by:  
  
3459FC3042D6405  
Joann Bogard